

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARY WALTER, on behalf of herself and)
all others similarly situated,)
Plaintiff,) Civil Action No. 2:16-cv-00523-CRE
v.) Magistrate Judge Cynthia Reed Eddy
BABCOCK LUMBER, INC., a)
Pennsylvania Corporation, CARL)
BORNTRAEGER, individually,)
COURTNEY BORNTRAEGER,)
individually, and R. JEFFREY KIMBALL,)
individually,)
Defendants.)

MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendants, through their undersigned counsel, hereby move to dismiss the Complaint filed by Plaintiff Mary Walter, on behalf of herself and all others similarly situated, for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), as set-forth in Defendant's Memorandum of Law, which is incorporated herein by reference.

Dated: May 13, 2013

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

/s/ Peter J. Ennis
Peter J. Ennis (Pa. I.D. No. 45754)
David J. Strauss (Pa. I.D. 316912)

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